

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DONALD P. WEBB, SR.,**

**Plaintiff,**

**vs.**

**No. 3:14-cv-469-DRH-DGW**

**PEARSON BUSH and BRENDA WEBB,**

**Defendants.**

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

On April 23, 2014, plaintiff Donald P. Webb, Sr. filed a “pro se civil rights complaint” against Pearson Bush and Brenda Webb (Doc. 1). In his complaint, Mr. Webb asserts that Ms. Webb and Mr. Bush engaged in abusive discovery and vexatious litigation (Doc. 1 at 6). Mr. Webb requests that the Court grant him compensatory damages in the amount of \$75,000 and punitive damages in the amount of \$750,000 (Doc. 1 at 6).

Upon review of the complaint and the motion for a temporary restraining order, the Court entered a show cause order on April 29, 2014 (Doc. 4). The Court found that Mr. Webb had not alleged any facts or theories that would bring this case within the scope of any federal statute and therefore within the Court’s jurisdiction. Mr. Webb was ordered to show cause why this case should not be dismissed. In the alternative, Mr. Webb was allowed a month to file an amended complaint. Given these jurisdictional issues with the complaint, the Court denied the motion

for a temporary restraining order without prejudice.

Mr. Webb subsequently filed four memorandums in support of his motion for a temporary restraining order (Docs. 6, 9, 10, 11). Upon review of the newly filed documents, the Court found that while Mr. Webb cited to several Federal Rules of Civil Procedure and Federal Statutes, none of them were applicable in this apparent child support payment dispute. The Court again ordered Mr. Webb to show cause why this case should not be dismissed or, in the alternative, file an amended complaint on or before July 7, 2014. The Court additionally warned Mr. Webb that this was his final opportunity and failure to appropriately allege facts or theories that bring his claims within the scope of this Court's jurisdiction, namely any claim arising under federal law, would result in dismissal of his case.

The case is now before the Court on Mr. Webb's amended motion for temporary restraining order (Doc. 13) and his amended memorandum in support of the motion for temporary restraining order (Doc. 14). Mr. Webb again fails to allege any claim arising under federal law. In his current pleadings, Mr. Webb cites to several Federal Rules of Civil Procedure and Federal Statutes including, 42 U.S.C. § 667(b)(2), 42 U.S.C. § 660 and Rule 19. However, none of these appear relevant to Mr. Webb's child support payment dispute or capital one account payment dispute.

Accordingly, plaintiff's case is **DISMISSED without prejudice** for lack of jurisdiction. Further, because his claim does not fall within this Court's

jurisdiction, plaintiff's amended motion for temporary restraining order (Doc. 13)

is **DENIED**. The Court will close the case.

**IT IS SO ORDERED.**

Signed this 14th day of July, 2014.

Digitally signed by  
David R. Herndon  
Date: 2014.07.14  
13:31:19 -05'00'

The image shows a digital signature in blue ink that reads "David R. Herndon". To the right of the signature is the official seal of the United States District Court for the Southern District of New York. The seal is circular, featuring an eagle with a shield on its chest, holding an olive branch and arrows. The words "UNITED STATES DISTRICT COURT" are written around the top half of the seal, and "SOUTHERN DISTRICT OF NEW YORK" is written around the bottom half.

**Chief Judge**  
**United States District Court**